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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,742	07/28/2003	Robert Williams Osterland	0275M-446COC	4043

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EXAMINER

SAKRAN, VICTOR N

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,742

Applicant(s)

OSTERLAND ET AL.

Examiner

VICTOR N SAKRAN

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-49 is/are allowed.
- 6) ☒ Claim(s) 22,23 and 28-31 is/are rejected.
- 7) ☒ Claim(s) 24-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: Page 5, line 18, in the specification "46" it should read -- 49 --; Page 7, line 31, "146" it should read -- 149 --; Page 9, line 1, "20" it should read -- 20A --. Appropriate correction is required.

Drawings

The drawings are objected to because on page 9, of the drawing Figure "5a" it should read -- 15a --. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 22, 23, and 28-31, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wisniewski U. S. Patent No. 6,141,832 (cited by Applicant). Wisniewski discloses Applicant's claimed device of a generally U-shaped fastener (clip) to mount an object to a panel comprising a body portion having a pair of side members (44, 46) coupled to each other by a curved base (66) at the insertion end of the U-shaped fastener (clip), wherein the pair of the side members defining a slot therebetween for receiving the projection (38) of a molding (24), a flange member (62, 64) extending outwardly from each of the side members formed near the end opposite the insertion end of the U-shaped fastener (clip) and inwardly angled in order to grip therebetween the projection (38), and a plurality of finger members (70, 72) extending inwardly into the slot from each of the side members and adapted to grasp the object while the projection (38) inserted into the slot between the side members, and an abutting

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flange (74, 78) extending outwardly from each of the side members defining a generally straight portion, a transition portion defining an exterior convex surface and an engaging portion defining an exterior concave surface abutting the exterior convex surface of the transition portion, wherein the exterior concave surface adapted to engage the edge of the mounting aperture upon the insertion for retaining the U-shaped fastener (clip) in the mounting aperture; (see Figures 1-3, 5, and Figure 6, as prior art).

Also see column 2, lines 52-67; column 3, lines 1-45; claims 1 and 2.

As to the particular range of the force which is required to insert the U-shaped clip into the mounting aperture and/or the range of the degrees of the angles of the finger members as recited in claims 28-31. Even though, Wisniewski does not specifically describe the range of force required to insert its U-shaped clip into the mounting aperture and/or the range of the degrees of its finger members. However, it has been held that a change in the range of force and/or the range of degrees is considered to be no more than an obvious design consideration within the skill of the art; see *In re Rose* 220 F.2d 459, 105 USPQ 237 (CCPA 1955), especially, since the specific force and/or range in degrees solve no stated problems and the substantially U-shaped clip in Wisniewski is full capable of performing the stated required force for inserting its U-shaped clip in a mounting aperture and/or the particular range of degrees of its finger members for mounting an object to a supporting panel

Moreover, such limitation as recited in said claims 28-31, it would obviously and inherently be within the scope of the references to Wisniewski as applied.

Claims 24-27, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 32-49, are allowable over the prior art of record.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant's attention is directed to the art of record, as showing structure related to Applicant's disclosed invention .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTOR N SAKRAN whose telephone number is 703-308-2224. The examiner can normally be reached on 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. swann can be reached on 703-308-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 4, 2004


VICTOR N SAKRAN
Primary Examiner
Art Unit 3677